

Applicant filed a response to the Final Action of September 3, 2008 on January 2, 2009. Claims 4-9 are cancelled.

Claims 1-3, 10, 11, drawn to a polynucleotide are under consideration.

Withdrawn Rejections

35 USC § 101

Applicant's arguments, see page 3 of Applicant's response, filed January 2, 2009, with respect to the rejection of claim 5 as lacking process steps have been fully considered and are persuasive. Applicant indicates that claim 5 has been cancelled. The rejection of claim 5 has been withdrawn.

35 USC § 112, 2nd parag.

Applicant's arguments, see page 3 of Applicant's response, filed January 2, 2009, with respect to the rejection of claim 5 as lacking process steps have been fully considered and are persuasive. Applicant indicates that claim 5 has been cancelled. The rejection of claim 5 has been withdrawn.

35 USC § 102

Applicant's arguments, see page 3 of Applicant's response, filed January 2, 2009, with respect to the rejection of claim 4 as being anticipated by Spytek et al. have been fully considered and are persuasive. Applicant indicates that claim 4 has been cancelled. The rejection of claim 4 has been withdrawn.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be

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filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dr. Elizabeth Kaytor on January 27, 2009.

The application has been amended as follows:

1. Claim 1, line 1, the word, "A", was deleted and the phrase, "An isolated", was inserted.
2. Claim 10, line 1, the word, "A" was deleted and the phrase, "An isolated", was inserted.

Claims 1-3, 10, 11 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Hama, Ph.D. whose telephone number is 571-272-2911. The examiner can normally be reached Mondays, Tuesdays, Thursdays, and Fridays from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras, can be reached on 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

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can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

/Joanne Hama/
Primary Examiner
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